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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,499	09/28/2004	David Stockbower	200200005	4036
29621	7590	10/31/2005	EXAMINER	
MYKROLIS CORPORATION 129 CONCORD ROAD BILLERICA, MA 01821-4600			SAVAGE, MATTHEW O	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 10/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,499

Applicant(s)

STOCKBOWER, DAVID

Examiner

Matthew O. Savage

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 11 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/28/04, 10/18/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-3, drawn to a cartridge.

Group II, claim(s) 4-10, and 12-15, drawn to a filtration module.

Group III, claim(s) 11, drawn to a method for reducing a required inventory of filter cartridges.

Group IV, claim(s) 16, drawn to a sealing plate.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the shared technical feature of the fluid passageway including two substantially parallel flat surfaces of claims I, II, and IV does not provide a contribution over the prior art (see the rejection under 35 U.S.C. 102(e) over Ardes et al of claim 4 listed below, and because group III lacks the technical feature of the fluid passageway including two substantially flat parallel surfaces as required by groups I, II, and IV.

During a telephone conversation with Mr. Timothy J. King on 10-26-05 a provisional election was made without traverse to prosecute the invention of group II, claim 4-10, and 12-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-3, 11, and 16 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4-10, and 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to adequately disclose the structure corresponding to the "means" recited on line 4 of claim 4.

With respect to claims 12-15, it is unclear as to how the "at least two flanges" relates to the "flanges" recited in claims 6 and 7.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-10, and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to line 3 of claim 4, it is unclear as to what structure the phrase "means for locking said bowl to said manifold" implies. On line 5, it is unclear as to how a "passageway" can have an "outer surface" since a "passageway" is a space as opposed to a structural member.

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With respect to claim 10, "said collar" lacks antecedence with respect to claims 4 and 5.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 4, 5, 8, 9, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ardes.

With respect to claim 4, Ardes discloses a filtration module (see FIGS. 1-2) which includes a manifold 2, a filter cartridge 4 and a bowl 3 which houses the filter cartridge, and means for locking the bowl to the manifold (e.g., the threaded connection between parts 2 and 3, the "means" language being interpreted broadly since the structure associated with the "means" has not been adequately defined in the specification),

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a key 12 secured to two substantially parallel surfaces (e.g., on part 6 shown in FIG. 2) on an outer surface of a fluid passageway 6 formed with the filter cartridge, the key having at least two attachment elements 7 attached to the bowl (e.g., via the module 2), the filtration cartridge and bowl being in fluid communication with the manifold in a manner which prevents mixing of a fluid feed to the filtration cartridge with a permeate removed from the filtration cartridge.

Concerning claim 5, Ardes discloses the key 12 as being attached to the bowl by prongs extending 7 from the key 12 which fit over a lip 8 of the bowl.

With respect to claim 8, Ardes discloses an inlet (e.g., adjacent valve 5 shown in FIG. 1) for feed to the bowl and an outlet for permeate from the filter cartridge (e.g., carrying part 6).

With respect to claim 9, Ardes discloses an inlet (e.g., adjacent valve 5 shown in FIG. 1) for feed to the filter cartridge and an outlet for permeate from the bowl (e.g., carrying part 6).

Concerning claims 12, 14, and 15, Ardes discloses the key as including at least two flanges 11 and a boss 12 on the outside surface of each flange (see FIGS. 1-2).

With respect to claim 13, Ardes discloses at least two flanges 11 including a groove on a lower surface of the flanges adapted to mate with an inner surface of a collar (e.g., defined by the coil spring surrounding part 12) attached to the bowl (e.g., via module 12).

Claims 6, 7, and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Savage
Matthew O Savage
Primary Examiner
Art Unit 1724

mos
October 27, 2005